TOTAL AIR FORCE OPERATIONS AND LAW COURSE

STATUS –RELATED PROBLEMS

AIR NATIONAL GUARD PERSONNEL

Brigadier General Jack Clark
ANG Assistant to ACC/JA

21 February 2003

CITIZEN • AIRMAN • HERITAGE
INTEGRITY • SERVICE • EXCELLENCE

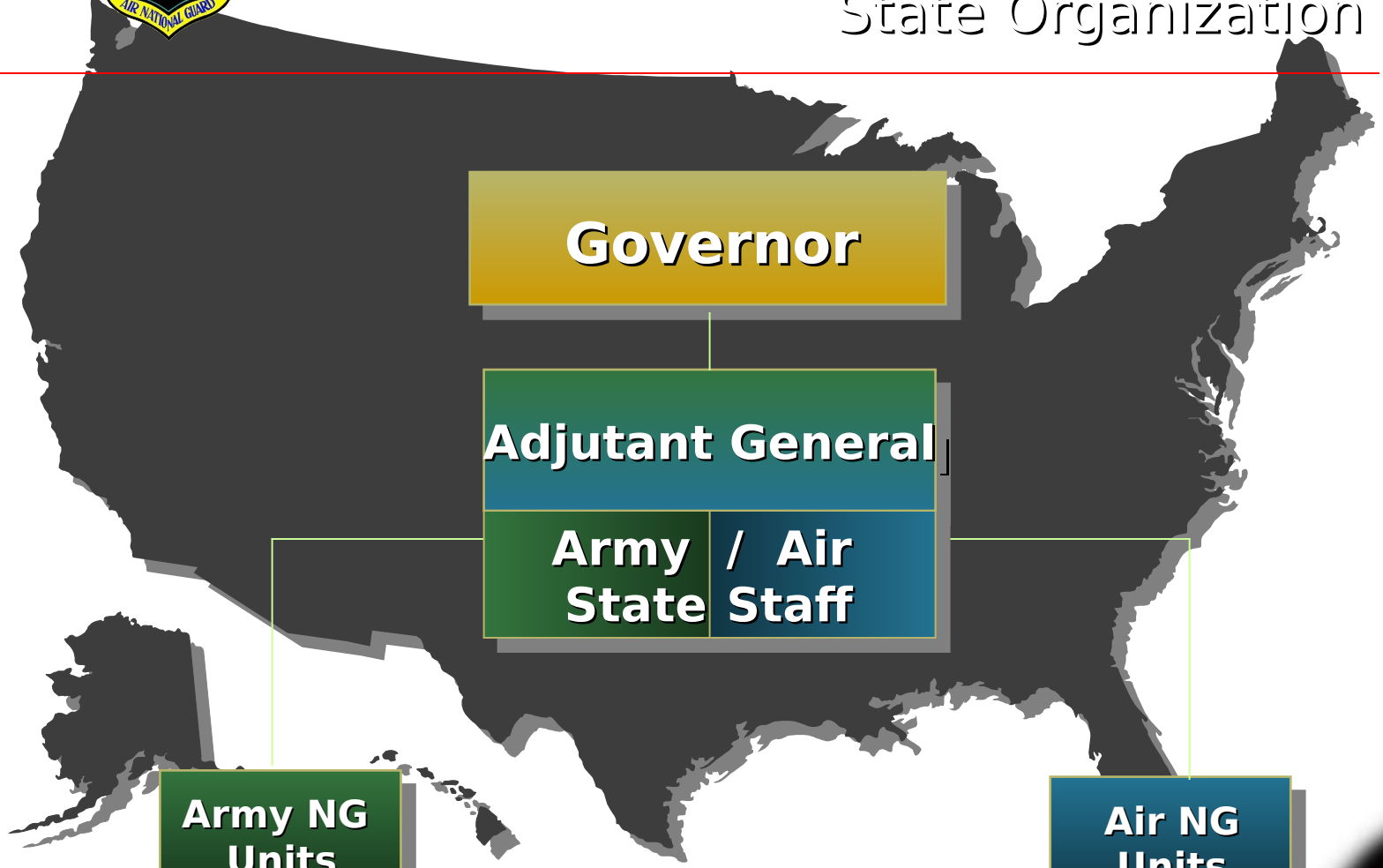
What is the Guard???..

- **“a clubby, inbred rural clique of veterans looking for fun playing war on weekends” (Robert Dorr, AF Times, 10/23/00), OR**

A Total Partner In The Expeditionary AeroSpace Force

ADEATER

National Guard State Organization



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Why Status matters to Commanders!!

“A man’s (sic) got to know his limitations….”

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“WE NEED TO ENSURE THAT THE ACTIVE AIR FORCE UNDERSTANDS THE GUARD AS WELL AS WE UNDERSTAND OURSELVES. WITHOUT THAT UNDERSTANDING, THE GUARD WILL NEVER PLAY THE ROLE OUR FOUNDING FATHERS ASSIGNED TO IT.”

Major General (ret) Don Shepperd

THE HARD REALITY FOR THE ANG

The Active Air Force Doesn't Understand Us

AND

We are just starting to Understand Ourselves!

THE FOUR HATS EVERY GUARDSMAN WEARS

- CIVILIAN
- AIR NATIONAL GUARD (32)
- AIR NATIONAL GUARD OF THE UNITED STATES
- STATE ACTIVE DUTY

AND NEVER AT THE SAME TIME!

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WHO DIRECTS WHO

THE BASIC RULES OF STATUS STILL APPLY

order

Title 10

and

order

Title 32

ANG DUAL ENLISTMENTS

- MUST FIRST ENLIST IN FEDERALLY RECOGNIZED UNIT
  - TAKE THE “MILITA OATH (32 USC 304)
  - APPOINTED TO ENLISTED GRADE IN THE ANG UNIT
- ONCE THESE CONDITIONS ARE MET, MEMBER IS ENLISTED IN THE ANG AND AS A RESERVE OF THE AIR FORCE
  - 10 USC 12107

ANG OFFICER APPOINTMENT AND PROMOTION

- APPOINTED AS OFFICER IN ANG
- APPOINTMENT FEDERALLY RECOGNIZED
  - APPOINTED AS A RESERVE OF THE AIR FORCE
- PROMOTION:
  - PROMOTED TO GRADE IN STATE ANG
  - STATE ANG GRADE FEDERALLY RECOGNIZED
  - MOST PROMOTIONS: POSITION VACANCY
- ROPMA
  - SAME ELIGIBILITY AS RESERVE MEMBERS
  - WHEN SELECTED BY ROPMA BOARD, STATE MUST PROMOTE AND FEDERAL RECOGNITION FOLLOWS (Senate confirmation for 05 and above)

WHAT'S THE DIFFERENCE BETWEEN THE ANG AND THE ANGUS?

- AIR NATIONAL GUARD PERSONNEL ARE MEMBERS OF "TWO OVERLAPPING BUT LEGALLY DISTINCT ORGANIZATIONS"
  - *PERPICH V. DEPT OF DEFENSE*, 496 US 334 (1990)
  - NOT DIFFERENT ROLES FOR A SINGLE ORGANIZATION
- ANG: THE STATE (OR FEDERAL) MILITIA
- ANGUS: THE "OTHER" AF RESERVE COMPONENT
- ANG TRAINS
- ANGUS FIGHTS

THE ANG

- THE AIR ARM OF THE STATE MILITIA
  - PURELY STATE ORGANIZATION
    - DISASTER RELIEF, REBELLION, ETC.
  - TRAINED IAW THE DISCIPLINE PROVIDED BY CONGRESS (US CONST, ART 1, SEC 8))
  - NO EXTRATERRITORIAL STATE USE (UNLESS APPROVED BY CONGRESS)
- CAN BE CALLED INTO FEDERAL SERVICE AS A MILITIA FORCE (10 USC 12406)
  - ENFORCE FEDERAL LAW, SUPPRESS INSURRECTION, REPEL INVASIONS, ETC.
  - THIS IS NOT A USAF RESERVE COMPONENT FUNCTION

THE ANGUS

- THE “OTHER” RESERVE COMPONENT
- INTENDED TO BE USED AS A UNIT-STRUCTURED ORGANIZATION
- CONSISTS OF FEDERALLY RECOGNIZED UNITS AND THEIR MEMBERS
- UNITS ARE GAINED DIRECTLY BY USAF MAJCOMs AND NAFs WHEN ACTIVATED OR MOBILIZED
- NO OVERARCHING FEDERAL COMMAND STRUCTURE, UNLIKE AFRC

ANG VS. ANGUS

- THE ANG AND ANGUS ARE TWO COMPLETELY SEPARATE ORGANIZATIONS WITH IDENTICAL MEMBERSHIP (*PERPICH V. DOD*, 496 U.S. 334)
- MEMBERS CAN SERVE IN ONLY ONE OF THESE ORGANIZATIONS AT ANY GIVEN TIME
  - WHEN LIGHTS ARE ON IN ANG, THEY ARE OFF IN ANGUS
  - WHEN MEMBERS ARE ACTIVATED IN ONE ORGANIZATION, THEY ARE RELIEVED OF DUTY IN THE OTHER [31 USC 325(a)]
  - STATUS IS EVERYTHING!

TITLE 32

TITLE 10

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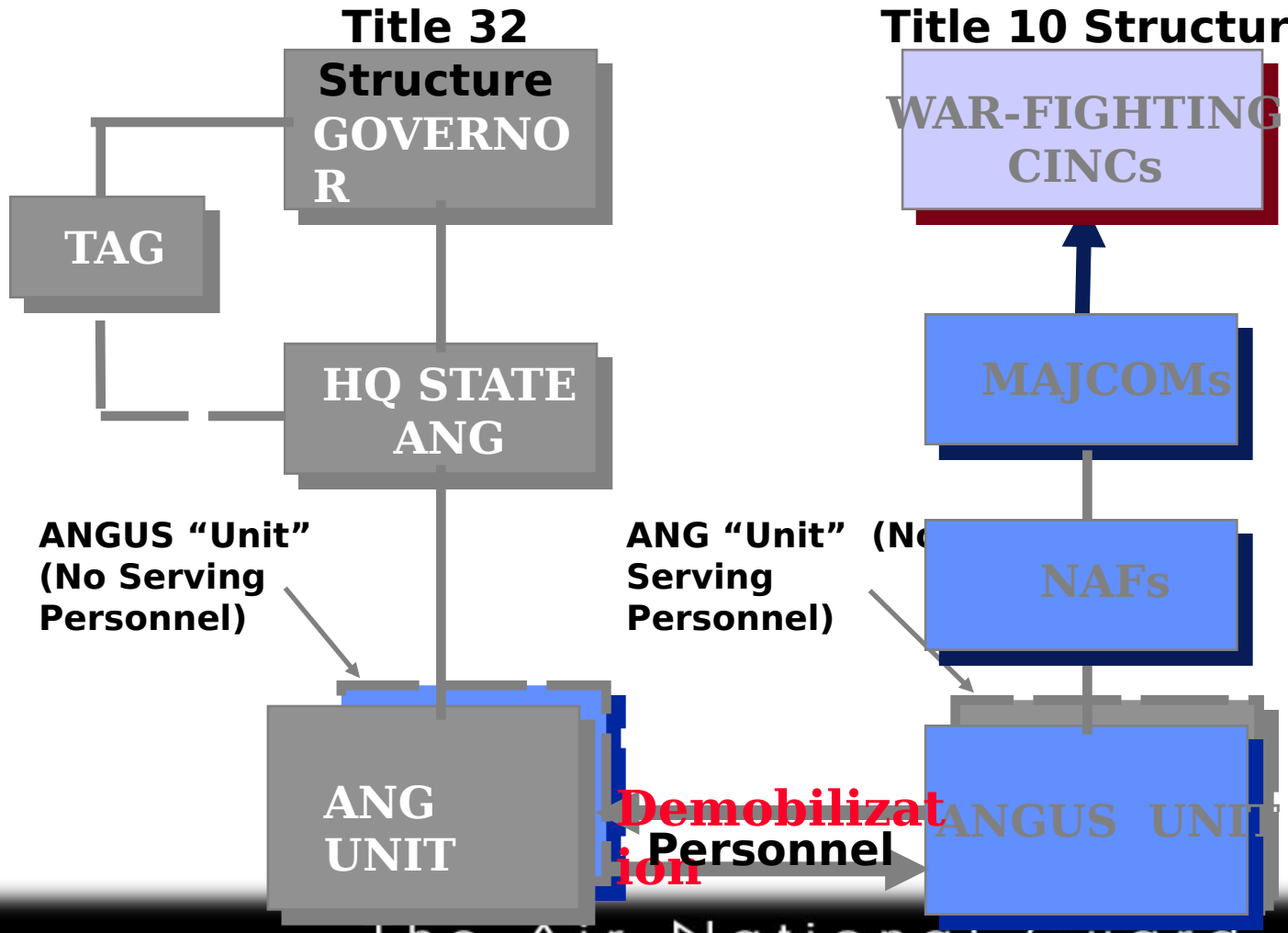
TITLE 10 and TITLE 32 AT SAME ANG BASE (Since 9-11-2001)

WHAT ARE NGB AND ANGRC?

- **NATIONAL GUARD BUREAU (NGB)**
  - NOT HEADQUARTERS ANGUS
  - JOINT BUREAU OF THE ARMY AND AIR FORCE
  - MISSION: SERVE AS CHANNEL OF COMMUNICATION BETWEEN DOD DEPARTMENTS AND THE STATES ON ANG / ANGUS (AND ARNG / ARNGUS) MATTERS
- **AIR NATIONAL GUARD READINESS CENTER (ANGRC)**
  - FIELD OPERATING AGENCY OF HQ USAF (TITLE 10 ORGANIZATION)
  - EXECUTES NGB POLICY FOR ANG/ANGUS
  - LIAISON ROLE WITH MAJCOMS

ANG vs. ANGUS STRUCTURE



THE FIRST AIR FORCE MODEL

- Title 10 Commander - Usually lonely
- Title 32 Commander - Title 32 workers
- Air Sovereignty Event
- “CHOP” to Title 10 - SELF EXECUTING ORDERS

VOLUNTEERS - GOVERNOR CONSENT

Deployment of Forces

DEPLOYED UNIT STRUCTURE

- NCA / COMAFFOR CREATES EXPEDITIONARY UNITS
- ANG MEMBERS ASSIGNED TO THE ANGRC DETACHMENT
- ANG MEMBERS ATTACHED TO THE ACTIVE DUTY EXPEDITIONARY UNIT
- COMMANDERS APPOINTED UNDER G-SERIES ORDERS OR AF FORM 35
  - DETACHMENT COMMANDER
  - EXPEDITIONARY UNIT COMMANDER

THE RESULT

- OPCON RESTS WITH JFC VIA COMAFFOR
  - AIR FORCE DOCTRINE DOCUMENT 2
- ADCON RESTS WITH ANGRC/CC OR 201 MSS/CC
  - REMAINS IN ANGUS CHANNELS
  - CAN BE SHARED BY AGREEMENT
- COMAFFOR EXERCISES SPECIFIED ADCON
- UCMJ AUTHORITY SHARED UNDER ADCON AND SPECIFIED ADCON
- ESTABLISHES AND PRESERVES COMMAND STRUCTURE FOR BOTH AD AND RESERVE FORCES

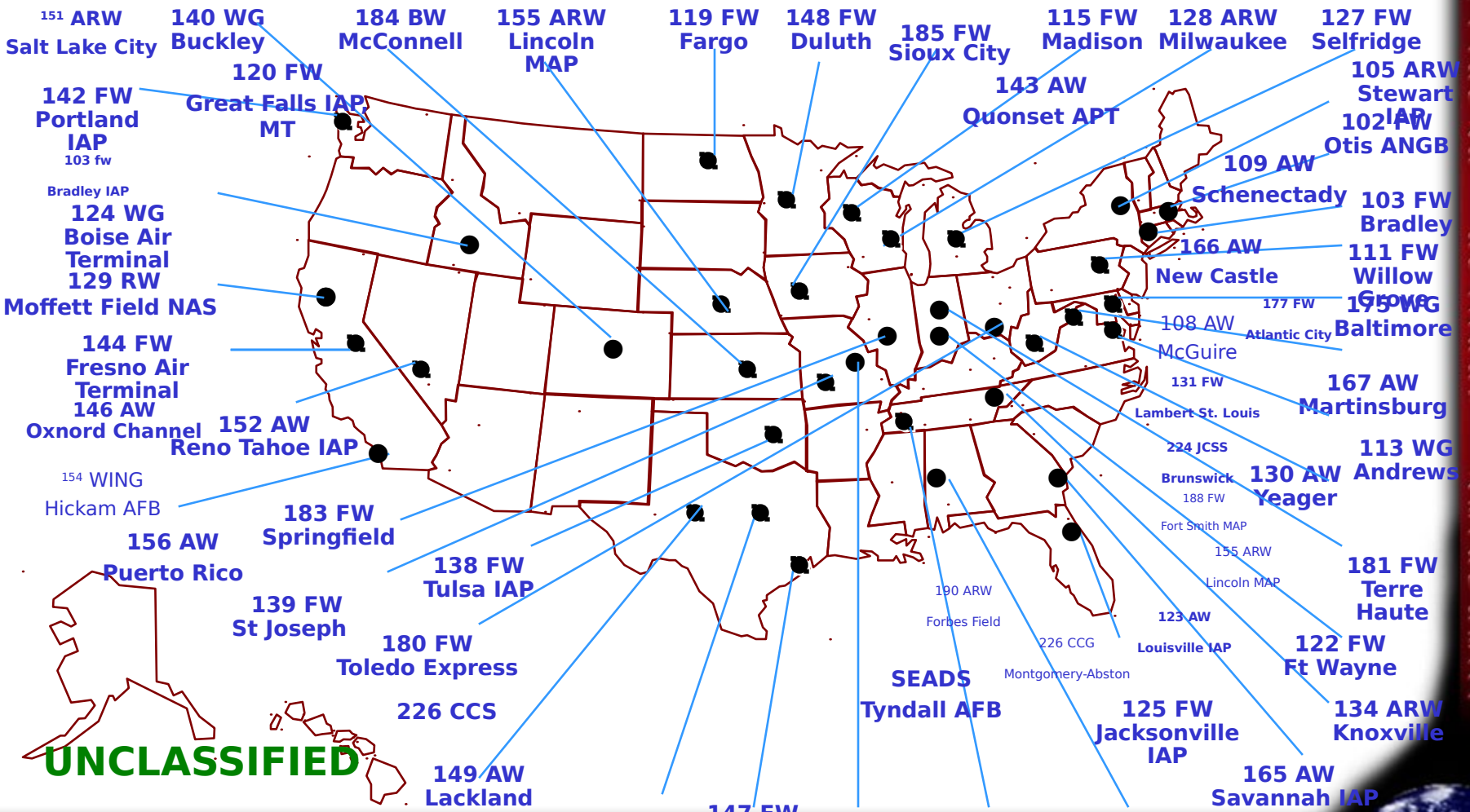
ADVERSE ACTIONS IN A DEPLOYED ENVIRONMENT

- COMMANDER WITH ADCON WILL USUALLY HANDLE ADMINISTRATIVE AND PERSONNEL ACTIONS
  - HOME STATION COMMANDER WILL USUALLY HAVE AN ADVISORY ROLE
- UCMJ AUTHORITY IS SHARED BETWEEN COMMANDERS WITH ADCON AND SPECIFIED ADCON
  - DISCIPLINARY AUTHORITY NOT AN ELEMENT OF OPCON
    - AFI 51-202
  - IMPACT OF THE OFFENSE ON THE MISSION

CURRENT OPERATIONS

- OPERATION NOBLE EAGLE
  - DETACHMENTS CREATED AT MOST CONUS OPERATING LOCATIONS
    - ADCON: 201 MSS OR AFRC/CC
    - OPCON: CONR/CC OR GAINING MAJCOM
- OPERATION ENDURING FREEDOM
  - ADCON: 201 MSS/CC OR AFRC/CC
  - OPCON: CENTAF/CC, USAFE/CC
- AIRPORT SECURITY (ANG)
  - "OTHER DUTY" UNDER 32 USC 502f
  - ADCON AND OPCON: ANG UNIT OF ASSIGNMENT

201 MSS Detachment Locations



REMEMBER

DON’T SWEAT THE LEGAL MUMBO- JUMB0

- THE ANG WING COMMANDER STILL GETS WHAT HE WANTS
- TITLE 10 DOES NOT LAST FOREVER